

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

TANH HUU LAM,

Defendant.

No. 2:97-cr-54 WBS

ORDER

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Defendant Tanh Huu Lam has filed a motion for appointment of counsel (Docket No. 488) to assist in filing a request for compassionate release. There is no Sixth Amendment or statutory right to counsel for a motion for compassionate release under 18 U.S.C. § 3582(c). United States v. Bond, Case No. LA CR94-563 JAK, 2020 WL 4340257, at *1 (C.D. Cal. Feb. 25, 2020) (citing United States v. Townsend, 98 F.3d 510, 512-13 (9th Cir. 1996); United States v. Whitebird, 55 F.3d 1007, 1010-11 (5th Cir. 1995)).


Defendant does not specify the basis for the

1 compassionate release motion he intends on filing. To the extent
2 that he attacks the validity of his conviction, such claims are
3 not a proper basis for compassionate release under § 3582(c).
4 Moreover, defendant's specific arguments regarding the validity
5 of his conviction have already been rejected by the Ninth Circuit
6 in one or more of his multiple appeals. To the extent defendant
7 claims that the COVID-19 pandemic warrants compassionate release,
8 such claims are common, and it is not clear what assistance
9 defendant would require at this point to file a similar motion.¹

10 Because the defendant has not shown good cause to
11 appoint counsel to assist in the filing of a compassionate
12 release motion, the motion for appointment of counsel (Docket No.
13 488) is DENIED.

14 IT IS SO ORDERED.

15 Dated: March 16, 2021


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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24 ¹ It appears that defendant contends that appointment of
25 counsel is warranted at least in part given the limited access he
26 has to his prison law library. However, defendant cites no
27 authority, and the court is unaware of any, establishing that
28 limited library access weighs in favor of appointment of counsel.
Indeed, if limited library access warranted appointment of
counsel, seemingly every defendant would be entitled to
appointment of counsel in virtually every motion and petition
filed during the pandemic.